REMARKS

Claims 1 and 4-36 are pending in the present application. In the Office Action mailed March 13, 2008, the Examiner rejected claims 1 and 4-24 under 35 U.S.C. §102(b) as being anticipated by Montgomery (USP 5,634,797). The Examiner next rejected claims 25-36 under 35 U.S.C. §103(a) as being unpatentable over Montgomery in view of Jiang (USP 6,498,828).

Regarding claims 1 and 4-24, the Examiner asserted that Montgomery teaches "a phantom body made of a pliable material to expand and contract based on an injection and discharge of fluid therein, wherein the phantom body has a shape to simulate that of a heart, the phantom body further having a shell made of the pliable material and that defines a fluid chamber in a volume defined by an interior surface of the shell" as called for in claim 1, and based the assertion on the Abstract, Figures 16-28, and Column 2 Lines 15-45 of Montgomery. Applicant respectfully disagrees.

Montgomery teaches a heart model that "is attached to a pump unit that provides realistic flow of sonographically partially opaque fluid through the heart." *Abstract*. A hollow chest cavity 14 has ribs 16 and flexible clavicle-like members 18 connected to one another by a sternum-like member 22. *See col. 4, lns. 47-49*. "The flexible clavicle-like members 18 anchor the ribs 16 within the cavity 14 by insertion into receptacles 20 with the cavity 14 dimensioned and configured to receive the clavicle-like members 18." *Col. 4, lns. 49-52*.

Montgomery teaches a model heart 34 within cavity 14. *See col. 4, lns. 66-67*. Once properly positioned or installed in the human form 12, the pump unit 68, conduits 26, heart conduits 28, heart model 34, and fluid reservoir 70 may be caused to simulate cardiac flow motion for detection by a sonography machine. *See col. 6, lns. 50-63*. However, while Montgomery teaches that the clavicle-like members 18 are flexible, there is no teaching that the model heart 34 is flexible. There is no teaching or disclosure in Montgomery that the model heart 34 moves at all or may expand and contract based on an injection and discharge of fluid therein. Because Montgomery teaches that the clavicle-like members 18 are flexible and because there is no such teaching for the model heart 34, Montgomery cannot be interpreted as teaching or disclosing a heart model made of a pliable material.

Claim 7 calls for a balloon defining a fluid chamber and having an inlet and a plurality of outlets, the inlet configured to at least receive fluid for the fluid chamber, wherein the balloon expands upon receipt of fluid and retracts upon discharge of fluid to mimic cardiac motion. Claimed 16 calls for the supply of fluid to a phantom including an expandable fluidic chamber

having a plurality of expandable tubes fluidly connected to the fluidic chamber. As explained above, Montgomery fails to teach the model heart 34 that is expandable or retractable.

Accordingly, that which is called for in claims 1, 7, and 16 is not shown, disclosed, taught, or suggested in the art of record. As such, Applicant believes claims 1, 7, 16, and the claims which depend therefrom, are patentably distinct from the art of record.

The Examiner rejected claims 25-36 under 35 U.S.C. §103(a) as being unpatentable over Montgomery in view of Jiang. Jiang was filed on December 15, 2000, and published as a publication on June 20, 2002. Since the publication date of Jiang after the filing date of the present application, August 31, 2001, Jiang can only qualify as prior art under 35 U.S.C. §102(e). However, since the present application and Jiang were, at the time the invention was made, owned by, or subject to an obligation of assignment, to the same entity, Jiang cannot be cited in a rejection against the claimed invention under 35 U.S.C. §103(a). See MPEP §706.02(l). Jiang is assigned to General Electric Company and recorded at Reel/Frame # 016216/0242. The current application is also assigned to General Electric Company and recorded at Reel/Frame #016212/0534. Applicant requests withdrawal of the rejection of claims 25-36 under 35 U.S.C. §103(a) as being unpatentable over Montgomery in view of Jiang.

Therefore, in light of at least the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1 and 4-36.

Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

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Respectfully submitted,

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General Authorization and Extension of Time

  The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 07-0845. Should no proper payment be enclosed herewith, as by credit card authorization being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 07-0845. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extensions under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 07-0845. Please consider this a general authorization to charge any fee that is due in this case, if not otherwise timely paid, to Deposit Account No. 07-0845.

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